MONTANA LEGISLATIVE HISTORY

Chapter 570 19 77

Bill H 724 S _____ Original bill & history ✓ C

H. Committee on Public Health, Welfare & Safety		S. Committee on Public Health, Welfare and Safety	
Hearing Date(s) 2/15	___C	Hearing Date(s) 3/24	___C
_____	___C	_____	___C
_____	___C	_____	___C
_____	___C	_____	___C
Date Out 2/22	___C		

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

INTRODUCED BY Hoyle (by request) BILL NO. 724

A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING THE USE OF ASBESTOS-CONTAINING SPRAY MATERIALS IN CONSTRUCTION; PROVIDING PROCEDURES FOR THE DEMOLITION OF BUILDINGS OR STRUCTURES CONTAINING ASBESTOS INSULATION OR FIREPROOFING; PROVIDING NOTIFICATION TO LOCAL FIRE DEPARTMENTS OF DEMOLITION PERMITS GRANTED; PROVIDING PROCEDURE FOR USE OF OTHER FIBRATED PRODUCT OR COMPOUND; AND PROVIDING PENALTIES."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Purpose. The purpose of this act is to protect the citizens of Montana from the dangers precipitated by the use of spray materials containing mineral fibers. The legislature finds that if adequate safety precautions are not taken during the spray application of these materials, spraying operations may release a significant quantity of particulate matter into the ambient air. Likewise, the legislature finds the continued unregulated use of sprayed asbestos insulation and the destruction of structures containing asbestos insulation represent a significant threat to the health of workers placed in contact with these fibers and to the health of the

community as a whole.

Section 2. Definitions. As used in this act, the following definitions apply:

(1) "Department" means the department of administration.

(2) "Fibrated product" means a substance used in construction, for whatever purpose, which consists of fibers, such as asbestos fibers, which tend to disperse into ambient air during application or upon destruction or removal.

(3) "Person" means an individual, firm, corporation, partnership, association, or other legal entity.

Section 3. Approval required for demolition of building or structure containing asbestos insulation or fireproofing -- permit. (1) Before a person demolishes or attempts to demolish a building or structure containing asbestos insulation or fireproofing, he must apply for and be granted a permit from the department.

(2) Before the department approves and issues the demolition permit, it must determine that there is no asbestos insulation or fireproofing in the building or structure or that there is no significant risk of exposure to asbestos fibers from the dislodging of asbestos during demolition.

(3) The building or structure must be demolished with

the following safeguards imposed:

(a) Demolition by toppling must be supervised by the department or its designee.

(b) Signs must be posted in conspicuous locations around the building or structure being demolished warning persons to take proper precautions against exposure to asbestos fibers before entering the area.

(c) Boilers, pipes, and steel members insulated or fireproofed with asbestos must be wetted and stripped before toppling of the wall begins. This mandatory procedure applies, where practicable, to all asbestos-lined surfaces.

(d) When demolition by toppling is performed, a reasonable enclosure for dust emission control must be constructed.

(e) Adequate wetting to suppress dust must be performed before and during the demolition or toppling.

(f) Asbestos-containing debris may not be dropped or thrown from any floor and must be transported by dust-tight chutes or buckets with the chutes or buckets sufficiently wetted to prevent dust.

(g) During transportation of the debris, it must be thoroughly wetted before loading and must be enclosed or covered during its transport to prevent dust dispersion.

(h) The asbestos-containing debris must be buried at a sanitary landfill at which it is unlikely to be disturbed,

and signs must be posted around the landfill warning that asbestos-containing debris is buried there.

Section 4. Fire departments to be notified of permit -- date of demolition. (1) Upon granting a permit, the department must notify the local fire department of the area in which the building or structure is located.

(2) The person in charge of the demolition operation must notify the department and the local fire department of the date upon which the demolition will take place.

Section 5. Use of asbestos-containing spray products prohibited. The use of asbestos-containing spray products, for whatever purpose, in the construction of a building or structure is prohibited.

Section 6. Use of fibrated product or compound -- supervisory personnel required. Whenever a fibrated product or compound is applied to a surface utilizing a spray or pneumatic means of application, one person must be assigned full-time supervisory authority for all aspects of the operation, and the name of the person responsible for the operation must be submitted to the department.

Section 7. Rulemaking authority. The department is granted authority to promulgate rules necessary to accomplish the purposes of this act.

Section 8. Violations -- penalties. (1) A person who violates any provision of this act commits a misdemeanor.

(2) A person convicted of violating this act shall be fined no more than $1,000 or be imprisoned in the county jail for a term not to exceed 60 days, or both.

(3) Each separate occurrence in violation of this act is a separate offense.

-End-

STATE OF MONTANA

REQUEST NO. 468-77

FISCAL NOTE

Form BD-15

In compliance with a written request received February 10, 19 77, there is hereby submitted a Fiscal Note for House Bill 724 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly. Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

An act prohibiting the use of asbestos-containing spray materials in construction; providing procedures for the demolition of buildings or structures containing asbestos insulation or fireproofing; providing notification to local fire departments of demolition permits granted; providing procedure for use of other fibrated product or compound; and providing penalties.

ASSUMPTIONS:

1. That the 1976 Bureau of Census data reflects 130 demolitions could be anticipated within municipalities and that a like amount will be performed outside the municipalities.
2. That two Inspectors, grade 13, will be necessary to perform the function specified in the bill.
3. Given no other revenue source, general funds will be required.

FISCAL IMPACT:

	FY 78	FY 79
Personal services	$29,500	$31,270
Operating expenses	13,240	14,564
Capital outlay	500	0
Additional cost of proposed legislation	$43,240	$45,834

Richard L. Dunn for

BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-17-77

PUBLIC HEALTH WELFARE & SAFETY COMMITTEE

45th Legislature

Bill No.	Subject Matter	Date In	Sponsor	Hearing Date	Committee Action	Date Out
HB 709	TO REPEAL SECTION 40-3909, R.C.M. 1947, RELATING TO DEPENDANTS' COVERAGE UNDER GROUP LIFE INSURANCE POLICIES.	2/7/77	Menahan	2/15/77	DO PASS AS AMENDED	2/18/77
HB 724	PROHIBITING USE OF ASBESTOS-CONTAINING SPRAY MATERIALS IN CONST., PROVIDING PROCEDURES FOR DEMOLITION OF BUILDINGS CONTAINING ASBESTOS INSULATION OR FIREPROOFING..	2/8/77	Lynch, by request	2/15/77	DO PASS	2/22/77
HB 730	TO INSURE HEALTH & SAFETY OF THOSE IN FOSTER HOMES & GROUP HOMES; TO REQUIRE DEPT. OF SRS TO ADOPT FIRE-SAFETY & HEALTH STANDARDS FOR THOSE INDIVIDUALS..	2/8/77	Quilici, Lynch, et al	2/22/77	DO PASS AS AMENDED	2/22/77
SB 105	TO INCLUDE USE OF DRUGS FOR DIAGNOSTIC PURPOSES WITHIN THE DEFINITION OF THE PRACTICE OF OPTOMETRY & TO REQUIRE A COURSE IN PHARMACOLOGY BY OPTOMETRISTS..	2/9/77	Sen. Rasmussen, Peterson, et al	3/15/77	BE CONCURRED IN	3/17/77
HJR 62	CALLING FOR A STUDY OF THE PRACTICE OF PSYCHOLOGY & THE LICENSING OF PSYCHOLOGISTS.	2/10/77	Holmes, Menahan, Dussault	2/17/77	DO NOT PASS	2/18/77
SB 157	TO CLARIFY THE DEFINITION OF "PATIENT" WITH REGARD TO THE OPERATION OF AMBULANCE SERVICES.	2/10/77	Sen. Thomas, Lee	3/3/77	BE CONCURRED IN	3/3/77

February 15, 1977

PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE PROCEEDINGS:

A meeting of the House Public Health, Welfare and Safety Committee was held on Tuesday, February 15, 1977 at 10:00 a.m. in Room 431 of the State Capitol. All members were present with the exception of Reps. Palmer, Gould, Metcalf, Porter and Kimble, who were excused.

The first bill heard was HOUSE BILL 523. The sponsor was Rep. Kennerly. This bill is trying to correct some problems within the law. Passage of the bill would allow the Dept. of SRS to receive applications for day care licenses from Indians residing on Indian reservations. SRS funds are federal funds administered by the state and the state does not have the jurisdiction to license centers on Indian reservations; therefore they are not eligible for federal funds, simply because of a technicality of the law. This is a simple thing and has been done in other areas in the past. Merle R. Lucas, Coordinator of Indian Affairs for the State of Montana, then spoke. If a center were to default, the state would simply not relicense it. There were no opponents to HB 523. Questons were asked.It was explained that the bill would not require a fiscal note, as only federal funds would be involved. The sponsor closed. The Welfare Dept. will be the "watchdog" for the implementation of this bill.

HOUSE BILL 724, sponsored by Rep. Lynch, was heard next. He explained that he had introduced the bill at the request of Bob Fowler, MHD project in Butte. It has been proven that asbestos is a problem if it is abused; this simply prohibits that abuse. Ernie Post then spoke in favor of the bill; see prepared statement. No opponents spoke. Questions were then asked. It was reassured that passage of this bill would not do away with the use of asbestos, it would only control it. The bill was copied from a similar measure proposed in Ohio. It was unclear whether this subjuct was already covered in the OSHA regulations.

HOUSE BILL 371 was then heard. The sponsor, Rep. Harper, distributed amendments to the bill which modified its wording to incorporate the most recent definition of death, as proposed by the American Bar Assoc. The present law is common law; in the absence of breathing, pulse and heartbeat the patient is dead. The problem we are facing is that the common law definition of death does not jibe with medical definitions any more. The advances in the field of transplants is making this problem apparent. More and more states are passing this type of legislation. He gave several points proving the merits of the definition put forth in the amended version of the bill, such as: (1) it permits judicial determination; (2) it avoids religious determination of any facts; and so on. This bill should not be confused with euthenasia. Under the proposed definition of death, Karen Quinlan could not have been killed in the euthenasia sense. The problem is that it is very difficult to get a vital organ in good enough condition to transplant under the current law. Schematic injury occurs under the current common law definition at a much higher rate than under the new definition. Sen.Dover spoke up in favor of the bill. He feels that the brain is what determines whether or not the patient is alive. This definition has stood up in several court cases. It has worked for everyone involved. Chad Smith, Montana Hospital Association, then spoke. He feels that the bill as amended is acceptable. Gerald J. Neely, Montana Medical Assoc. was the

HOUSE BILL 724 - Rep. Colburn moved that it DO PASS. Motion carried with Reps. Stobie, Vinger and Wyrick voting no and Rep. Metcalf abstaining.

The bills heard by the Problems of the Elderly Subcommittee were then presented, with recommendations made by that subcommittee. Rep. Palmer presented the subcommittee reports and explained the subcommittee's actions on the following bills, one by one.

HOUSE BILL 52 - This bill received unanimous subcommittee approval of the motion DO PASS AS AMENDED. The recommendation was then accepted by the committee.

HOUSE BILL 61 - The subcommittee offered several amendments and it was moved that AS SO AMENDED HB 61 DO PASS. Recommendation accepted.

HOUSE BILL 255 - The sponsor had requested that this bill be tabled. Rep. Colburn moved that the bill be TABLED. Motion carried unanimously.

HOUSE BILL 286 - Amendments were submitted, see copy. This bill had received a DO PASS AS AMENDED recommendation by a subcommittee vote of 4 to 1. Rep. Porter then made a minority report, having been the one dissenting vote. (1) The patient can either contact the doctor directly or through the pharmacist and receive lower priced drugs; this is presently allowed in all 50 states. (2) This bill is aimed only at senior citizens. (3) Testimony was given by at least two senior citizens who said that they did not want their prescriptions altered without express permission from their doctors. (4) Savings would be minimal and might in the long run raise the price of all drugs. (5) Section 8, paragraph (2) states that if there were any adverse effects from a substitute drug, the patient would have no recourse. (6) Research could be cut off if this bill were passed. Rep. Colburn then made a motion, in view of Rep. Porter's statements, that HB 286 DO NOT PASS. Rep. Palmer then spoke on the motion. This bill essentially brings the pharmacist into the picture of total health care that is being provided for the customer. Only one section of the law is being changed. At present, pharmacists do not want to bother with calling doctors in order to obtain permission to use generic equivalents. If there is a question in the doctor's mind, he can stipulate on the prescription that no substitution be made. The customer can request that the drug not be substituted, also. If there is any doubt on the pharmacist's part, he would simply not substitute. There has not been one recorded death due to generic drug-related accidents. Discussion then took place. This bill would not force the pharmacist

EXHIBIT "D"

(10)

MONTANA STATE AFL-CIO
APRIL 29 1956

Box 1176, Helena, Montana
ZIP CODE 59601

JAMES W. MURRY
EXECUTIVE SECRETARY

LUNDY SHOPPING CENTER
MISSOULA HIGHWAY

REMARKS OF ERNEST E. POST ON HOUSE BILL 724, HEARINGS OF THE SENATE PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE, MARCH 24, 1977

On behalf of the workers and residents of the State of Montana, I appear before you today in support of House Bill 724 -- one of the most progressive safety and health measures introduced during this session of the Legislature. House Bill 724 addresses one of the most fundamental environmental battles being waged in our state, and that is the environmental battle over the conditions of the work place.

Organized labor has long recognized the fact that a dirty plant makes for a dirty environment, and that one way to clean up the environment is by cleaning up the work place.

House Bill 724 represents a meaningful attempt to make Montana's air cleaner and healthier not only for workers but for all Montanans. By taking on asbestos, House Bill 724 takes on one of the deadliest hazards known to workers.

In 1973, Dr. Irving Selikoff, one of the leading occupational disease physicians in the United States, reported that approximately 200,000 workers were being exposed to asbestos on the job and that another 800,000 ex-asbestos workers were still living in the United States, for a total of one million workers exposed to asbestos in the work place. Of those million workers, according to his research, two in 10 will die of lung cancer, five in 10 will die of some other form of cancer, and one in 10 will die of an emphysema-like disease called asbestosis. The single cause of asbestosis, which is an irreversible hardening of the lung tissue, is the inhalation of asbestos fibers.

Less than 20 years ago, asbestos was linked with yet another disease, mesothelioma, a rare cancer that attacks the lining of the lung and other body cavities. It is always fatal.

Clearly, it would be in the best interests not only of workers but of the entire Montana community, to rid our atmosphere of this proven killer. I urge your support of this life-saving legislation.

opeiu #2, afl-cio

PRINTED ON UNION MADE PAPER

ROLL CALL

VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE AND SAFETY

45th LEGISLATIVE SESSION - 1977.

Date 3/24 Bill No. 724 Time

NAMES	YES	NO
LEE, Robert	1	LEE
RASMUSSEN, Tom	2	RASMUS
OLSON, Stuart	3	OLSON
HIMSL, Matt	Left early	HIMSL
WATT, Robert	4	WATT
ROBERTS, Joe	Absent	ROBERTS
NORMAN, Bill - V. Chm.	5	NORMAN
STEPHENS, Stan - Chairman	6	STEPHENS

Joyce (Kelly) Allen
Secretary

STAN STEPHENS
Chairman

Motion: Senator Lee moved HB 724 Be Concurred In As Amended

(include enough information on motion—put with yellow copy of

STANDING COMMITTEE REPORT

MARCH 24 19 77

PRESIDENT

MR. .....

We, your committee on PUBLIC HEALTH, WELFARE AND SAFETY

having had under consideration HOUSE Bill No. 724

Respectfully report as follows: That HOUSE Bill No. 724

third reading bill, be amended as follows:

1. Amend page 4, Section 5, line 22.
Following: line 21
Strike: "full-time"

AND, AS SO AMENDED, BE CONCURRED IN.

XXXXXX
SEARS

STAN STEPHENS Chairman.

STATE PUB. CO.
Helena, Mont.

In closing, Representative Fagg said he had not seen anything from the federal government on the problem. What he proposes in this bill is stronger than Uniform Building Codes and they must be stronger than federal codes. New homes would be required to have safety glass as specified, which would amount to 1 - 2 percent more of the glass cost. FHA financing is now covered under current standards. If your building code is already issued, this legislation would not apply (grandfather clause).

The hearing ended, with NO ACTION being taken at this time.

CONSIDERATION OF HOUSE BILL 724: In the absence of the sponsor, Representative Lynch, Ernie Post of the AFL-CIO, addresses the Committee and explained this asbestos bill while supporting it. Post told Committee members that even though the House weakened the bill by amending, it is still a good bill.

Larry Huss, of the Montana Contractors Association, supports the bill, saying asbestos is a very serious problem. His association is concerned about Section 5 on page 4 which requires a full-time supervisory person. Huss feels this could mean not the foreman but a specific foreman, and not the person making the application of the product, which would mean excessive cost of insulation. Mr. Huss asked for deletion of Section 5, saying the safeguards are in the rest of the bill.

Mr. Post, in the sponsor's absence, said all they want to have is someone to be responsible for application because of the bill's penalties -- he said that part of the bill is needed.

Questions included:

1) Strike "full time" (which received okay from Mr. Huss).

Chairman Stephens said he would talke with the sponsor concerning the amendment proposed by Senator Norman.

The hearing was concluded on this bill, with NO ACTION being taken.

CONSIDERATION OF HOUSE JOINT RESOLUTION 74: Edith Cox, sponsor of this Resolution, explained the bill. Gary Walton, representing the Montana Nursing Home Association, explained the proposed amendments to Committee members.

No further witnesses. Senator Rasmussen questioned the advisability of leaving "older" in on page 1, line 12-13, since it is limiting and misleading.

ACTION ON HJR74: Senator Watt moved bill, BE CONCURRED IN - motion carried (Senator Story will carry on floor).

ACTION ON HOUSE BILL 724: Senator Lee moved adoption of proposed amendment (see Standing Committee Report) - carried on voice vote. Senator Rasmussen then moved bill AS AMENDED, BE CONCURRED IN - motion carried. (Senator Lee will carry).

ADJOURNMENT: With no further business at this time, Chairman Stephens adjourned the meeting.

STAN STEPHENS, Chairman

March 25, 1977

STANDING COMMITTEE REPORT
Senate Committee on Public Health, Welfare & Safety

That House Bill No. 724 be amended as follows:

1. Amend page 4, section 5, line 22.
Following: line 21
Strike: "full-time"

March 30, 1977

SENATE
COMMITTEE OF THE WHOLE

That House Bill No. 724 be amended as follows:

1. Amend page 2, section 2, lines 8 and 9.
Following: "which"
Strike: "consists of fibers, such as"
Insert: "contains"

2. Amend page 3, section 3, line 4.
Following: "DEMOLISHED"
Insert: "which contains asbestos insulation or fireproofing"

3. Amend page 3, section 3, line 5.
Following: "toppling"
Strike: "must"
Insert: "may"

4. Amend page 3, section 3, line 13.
Following: "wetted"
Strike: "and stripped"

5. Amend page 4, section 3, line 3.
Following: "be"
Strike: "buried"
Insert: "deposited"

6. Amend page 4, section 5, lines 23 and 24.
Following: "operation"
Strike: ", and the name of the person responsible for the operation must be submitted to the department"

45th LEGISLATIVE SESSION

COMMITTEE ON PUBLIC HEALTH, WELFARE AND SAFETY

	HOUSE BILL NO.	ENTERED COMM. 1977	DATE CONSIDERED 1977	OUT OF COMM. 1977	DO NOT DATE 1977	DO NOT PASS DATE 1977	DO PASS AS AMEND. DATE 1977	BE CONCURRED IN DATE 1977	BE CONC. IN AS AMENDED DATE 1977	BE NOT CONCURRED IN DATE 1977
1	418	Feb. 17	----	Mar. 3	(to another Committee via Jean Fallin)					
2	455	Feb. 25	Mar. 29	Mar. 31				Mar. 31		
3	480	" 25	" 26	" 28						Mar. 28
4	487	Mar. 2	" 24	" 25				Mar. 25 (AMENDED--WITHOUT RECOMMENDATION)		
5	490	Feb. 19	" 17	" 17				Mar. 17		
6	523	Feb. 25	" 22							
7	529	Feb. 21	" 17	Mar. 17				Mar. 17		
8	544	Feb. 25		Mar. 15	(to Judiciary)					
9	585	Feb. 17	" 22	Mar. 25				Mar. 25 AMENDED		
10	627	Mar. 25	" 30	Apr. 6				Apr. 6 AMENDED		
11	658	Mar. 2	" 31	Mar. 31				Mar. 31		
12	694	Feb. 25 Mar. 25	" 24 -----	Mar. 25 Mar. 28	(error)			Mar. 28 AMENDED		
13	724	Mar. 2	" 24	Mar. 24				Mar. 24 AMENDED		
14	730	Mar. 3	" 24	Mar. 25				Mar. 25 (AMENDED--WITHOUT RECOMMENDATION)		
15	772	Feb. 25	" 12	Mar. 31				Mar. 31 AMENDED		

(Use Separate Sheet for Senate, House Bills, and Resolutions)

HOUSE BILL NO. 724

INTRODUCED BY LYNCH

BY REQUEST

A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING THE USE OF ASBESTOS-CONTAINING SPRAY MATERIALS IN CONSTRUCTION; PROVIDING PROCEDURES FOR THE DEMOLITION OF BUILDINGS OR STRUCTURES CONTAINING ASBESTOS INSULATION OR FIREPROOFING; ~~PROVIDING NOTIFICATION TO LOCAL FIRE DEPARTMENTS OF DEMOLITION PERMITS GRANTED;~~ PROVIDING PROCEDURE FOR USE OF OTHER FIBRATED PRODUCT OR COMPOUND; AND PROVIDING PENALTIES."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Purpose. The purpose of this act is to protect the citizens of Montana from the dangers precipitated by the use of spray materials containing mineral fibers. The legislature finds that if adequate safety precautions are not taken during the spray application of these materials, spraying operations may release a significant quantity of particulate matter into the ambient air. Likewise, the legislature finds the continued unregulated use of sprayed asbestos insulation and the destruction of structures containing asbestos insulation represent a significant threat to the health of workers placed in contact with these fibers and to the health of the community as a whole.

Section 2. Definitions. As used in this act, the following definitions apply:

(1) "Department" means the department of administration.

(2) "Fibrated product" means a substance used in construction, for whatever purpose, which ~~consists of fibers, such as~~ CONTAINS asbestos fibers, which tend to disperse into ambient air during application or upon destruction or removal.

(3) "Person" means an individual, firm, corporation, partnership, association, or other legal entity.

Section 3. ~~Approval required for demolition of building or structure containing asbestos insulation or fireproofing permit. (1) Before a person demolishes or attempts to demolish a building or structure containing asbestos insulation or fireproofing, he must apply for and be granted a permit from the department.~~

~~(2) Before the department approves and issues the demolition permit, it must determine that there is no asbestos insulation or fireproofing in the building or structure, or that there is no significant risk of exposure to asbestos fibers from the dislodging of asbestos during demolition.~~

REFERENCE BILL

~~(3)--The--building-or-structure-must-be-demolished-with the-following-safeguards-imposed:~~ STANDARDS TO FOLLOW WHILE DEMOLITION IS UNDERWAY. THE BUILDING OR STRUCTURE TO BE DEMOLISHED WHICH CONTAINS ASBESTOS INSULATION OR FIREPROOFING MUST FOLLOW THE FOLLOWING SAFEGUARDS:

(a) Demolition by toppling ~~must~~ MAY be supervised by the department or its designee. AND WHENEVER POSSIBLE, THE LOCAL FIRE DEPARTMENT SHALL BE NOTIFIED OF THE DEMOLITION.

(b) Signs must be posted in conspicuous locations around the building or structure being demolished warning persons to take proper precautions against exposure to asbestos fibers before entering the area.

(c) Boilers, pipes, and steel members insulated or fireproofed with asbestos must be wetted ~~and stripped~~ before toppling of the wall begins. This mandatory procedure applies, where practicable, to all asbestos-lined surfaces.

(d) When demolition by toppling is performed, a reasonable enclosure for dust emission control must be constructed.

(e) Adequate wetting to suppress dust must be performed before and during the demolition or toppling.

(f) Asbestos-containing debris may not be dropped or thrown from any floor and must be transported by dust-tight chutes or buckets with the chutes or buckets sufficiently wetted to prevent dust.

(g) During transportation of the debris, it must be thoroughly wetted before loading and must be enclosed or covered during its transport to prevent dust dispersion.

(h) The asbestos-containing debris must be ~~buried~~ DEPOSITED at a sanitary landfill at which it is unlikely to be disturbed, and signs must be posted around the landfill warning that asbestos-containing debris is buried there.

~~Section 4.--Fire-departments-to-be-notified--of--permit ----date--of--demolition.---(1)--Upon-granting-a-permit,-the department-must-notify-the-local-fire-department-of-the-area in-which-the-building-or-structure-is-located.~~

~~(2)--The-person-in-charge-of-the--demolition--operation must--notify-the-department-and-the-local-fire-department-of the-date-upon-which-the-demolition-will-take-place.~~

Section 4. Use of asbestos-containing spray products prohibited. The use of asbestos-containing spray products, for whatever purpose, in the construction of a building or structure is prohibited.

Section 5. Use of fibrated product or compound -- supervisory personnel required. Whenever a fibrated product or compound is applied to a surface utilizing a spray or pneumatic means of application, one person must be assigned ~~full-time~~ supervisory authority for all aspects of the operation~~,-and-the-name-of-the-person--responsible--for--the operation-must-be-submitted-to-the-department.~~

Section 6. Rulemaking authority. The department is granted authority to promulgate rules necessary to accomplish the purposes of this act.

Section 7. Violations -- penalties. (1) A person who violates any provision of this act commits a misdemeanor.

(2) A person convicted of violating this act shall be fined no more than $1,000 or be imprisoned in the county jail for a term not to exceed 60 days, or both.

(3) Each separate occurrence in violation of this act is a separate offense.

-End-